

MINUTES OF THE REGULAR MEETING OF THE
NEW YORK STATE BRIDGE AUTHORITY

HELD AT HEADQUARTERS, HIGHLAND, N.Y. ON
DECEMBER 19, 2019

Business agenda documents/reports are mailed to the Board Members and General Counsel one week prior to the meeting. Board meetings are web cast and are available on-line.

IN ATTENDANCE:

BOARD MEMBERS:

Gerentine, Richard A., Chairman
Higgins, Roger P., Vice Chairman
Jablonski, Diane, Commissioner
Stanton, J. Henry, Commissioner
Dressel, Roderick O., Commissioner

OFFICERS:

Sullivan, Tara, Secretary
Bushek, Brian, Treasurer
Whitbeck, Carl G., Counsel

Chairman Gerentine called the meeting to order at 3:19 pm. Chairman Gerentine called for a motion to adopt the Regular minutes of the November 21, 2019 Regular meeting. On a motion of Vice Chairman Higgins, seconded by Commissioner Jablonski, the Regular minutes of the November 21, 2019 Regular meeting were adopted unanimously.

ENGINEERING:1) Amend Resolution for KRB Plow/Pattern Truck Procurement

Mr. Wright explained to the Board that last month the Board approved a request to purchase a new plow/pattern truck for use at the Kingston-Rhinecliff Bridge by piggybacking off the Onondaga County Division of Purchase contract, Bid #8996, which was previously publicly advertised and awarded. In preparing the purchase order, it was discovered that materials need to be made out to Navistar, Inc., of Loudonville, New York, rather than Ben Funk, Inc. International. Mr. Wright recommended to the Board to amend the resolution so that the Authority can proceed with the procurement of the truck. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Jablonski, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 019-118

Resolution Date: December 19, 2019

WHEREAS, on November 21, 2019, the Board of Commissioners of the New York State Bridge Authority authorized the purchase of one new 2020 International HV507 SFA 4x2 cab chassis with body and snow equipment provided and installed by Amthor Welding for use at the Kingston-Rhinecliff Bridge as "KRB Plow/Pattern Truck Procurement (BA-2019-RE-129-AC), which is a piggyback off the Onondaga County Division of Purchase Contract #8996, at a not-to-exceed cost of \$242,937.33; and

WHEREAS, the resolution approved by the Board authorized the purchase order to be made out to Ben Funk, Inc. International instead of Navistar, Inc.; now therefore

BE IT RESOLVED that Resolution No. 019-111 be amended and that the Board of Commissioners authorize a purchase order be issued to Navistar, Inc., of Loudonville, New York, in the amount of \$242,937.33; and

BE IT FURTHER RESOLVED that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December, 2019.

Tara Sullivan, Secretary

2) Systemwide Camera Replacement Project BA-2019-RO-127-AC

Mr. Wright indicated to the Board that the New York State Bridge Authority utilizes smart thermal cameras with video analytics, which are relied upon to detect motion in areas deemed to be critical to the Authority's security. This system is approximately 7 years old and is approaching the end of its useful life. The Authority is beginning the scheduled replacement of these cameras by purchasing 13 cameras under the Authority's Camera Replacement Project listed in the Capital Improvement Program. The Authority issued a Request for Proposal to replace the system. Security cameras are on the list of Authority exclusions, so M/WBE and SDVOB goals did not apply. Two proposals were received, with Argent Associates, Inc., as the low bidder. Mr. Wright recommended that the Board purchase 13 SightLogix Smart Thermal Sensors, as per the RFP, from Argent Associates, Inc. at a not-to-exceed cost of \$71,846.15. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Jablonski, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 019-119

Resolution Date: December 19, 2019

WHEREAS, the New York State Bridge Authority has determined that it is in the interest of public safety to issue a purchase order to Argent Associates, Inc., to replace aging critical pier and security cameras system-wide, under the contract entitled "System-Wide Camera Replacement" (BA-2019-RO-127-AC); and

WHEREAS, this contract was publicly advertised and bid and two (2) vendors submitted cost proposals; and

WHEREAS, security cameras are on the list of Authority exclusions, therefore M/WBE and SDVOB goals do not apply; and

WHEREAS, the Authority has reviewed the cost proposal from Argent Associates, Inc.; now therefore

BE IT RESOLVED that the Board of Commissioners approves that a purchase order be issued to Argent Associates, Inc., of Union, New Jersey, in the not to exceed amount of \$71,846.15; and

BE IT FURTHER RESOLVED that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December 2019.

Tara Sullivan, Secretary

3) Emergency Treated Salt Procurement

The Authority starts the winter maintenance season by filling up its salt sheds beforehand. This was accomplished by using all but \$14,000 of the 2019 salt budget. The storm of December 1-2, 2019 was particularly long and it materially reduced salt supplies. Leaving the Authority at risk of running out of salt is a condition we always consider unacceptable at this time of year. The need to replenish salt required salt purchases for the three southern facilities. The individual purchases from the OGS contract vendor were under \$15,000 each, but will total \$27,608.00. These purchases filled the sheds and provides material until delivery of our 2020 salt in January. To ensure Authority readiness for any potential weather, the Authority purchased the required amounts of treated salt as an emergency purchase. The Board is being requested to approve, retroactively, this emergency procurement. A brief discussion followed relative to the distributor and the quantity at each facility. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Jablonski, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY BOARD RESOLUTION

Resolution No.: 019-120

Resolution Date: December 19, 2019

WHEREAS, the New York State Bridge Authority regularly fills its salt sheds with Type II treated winter deicing salt at the beginning of each winter, utilizing the NYS OGS salt contract currently in place and previously approved by the Authority's Board of Commissioners in December of 2018; and

WHEREAS, the storm of December 1 – 2, 2019 was particularly long lasting and it materially reduced salt supplies at three (3) of the Authority's five (5) facilities and this purchase is necessary to bridge the gap through the remainder of 2019; and

WHEREAS, this significant reduction in supplies resulted in the need for an emergency procurement from the OGS supplier, Apalachee Salt, LLC, consisting of three (3) individual purchases of less than \$15,000 each but totaling \$27,608.00; and

WHEREAS, this procurement was authorized by Acting Executive Director Tara Sullivan; now therefore

BE IT RESOLVED that the Board of Commissioners of the New York State Bridge Authority retroactively approve issuing three (3) purchase orders, for the Mid-Hudson, Newburgh-Beacon and Bear Mountain Bridges, with a total amount not to exceed \$27,608.00; and

BE IT FURTHER RESOLVED that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December, 2019.

Tara Sullivan, Secretary

4) 2020 Treated Salt Procurement

The NYS OGS contract for Type II treated salt with Apalachee Salt, LLC, became effective September 30, 2018 and remains in place until September 30, 2020. This is the only OGS vendor available to us in the counties where Authority facilities are located. This procurement category is exempt from M/WBE goals. Although there is a need to create individual purchase orders for each location, we are seeking Board approval of the cost as a total because the salt will be provided by a single vendor. The purchase orders will be issued for the maximum tonnage of salt based upon 2020 operating budget amounts. The quantities will be purchased on an as needed basis and there is no minimum purchase requirement. The quantities and pricing are as follows: RVWB: 187.5 tons @ \$80.00 = \$15,000.00, KRB: 287.5 tons @ \$80.00 = \$23,000.00, MHB: 500 tons @ \$80.00 = \$40,000.00, NBB: 580 tons @ \$89.80 = \$52,084.00, BMB: 109 tons @ \$91.00 = \$9,919.000, TOTAL: \$140,003.00. The quantities will apply only to the 2020 fiscal budget amount for salt. Chairman Gerentine called for a motion. On a motion of a Vice Chairman Higgins, seconded by Commissioner Jablonski, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY BOARD RESOLUTION

Resolution No.: 019-121

Resolution Date: December 19, 2019

WHEREAS, the New York State Bridge Authority has determined it is in the public interest to award a contract to supply Type II treated winter deicing salt; and

WHEREAS, the Authority has previously purchased this product through the NYSOGS contract, which is in place until September 30, 2020; and

WHEREAS, Apalachee Salt, LLC., of Rochester, NY, provided the low quote; and

WHEREAS, this procurement category is exempt from M/WBE goals; now therefore

BE IT RESOLVED that the Board of Commissioners of the New York State Bridge Authority approve issuing five (5) purchase orders to Apalachee Salt, LLC, one for each facility, with a total amount not to exceed \$140,003.00; and

BE IT FURTHER RESOLVED that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December, 2019.

Tara Sullivan, Secretary

5) Jobs in Progress

Mr. Wright advised the Board regarding the Engineering Jobs in Progress Report for the month. The Authority is removing the overlay the week of December 18th through December 21st as it is unraveling in many areas and the overlay will be replaced in the spring of 2020. The South span sidewalk repairs at the Newburgh Beacon Bridge have been shut down for the winter. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Jablonski, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 019-122

Resolution Date: December 19, 2019

WHEREAS, the Board has reviewed the monthly Engineering Progress Report on Capital Project Status; and

BE IT RESOLVED that the Engineering Progress Report is accepted as an instrument documenting the Board's briefing of Capital Construction activities; and

BE IT FURTHER RESOLVED that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December 2019.

Tara Sullivan, Secretary

FINANCIAL:1) Investment Report

Mr. Bushek reviewed the monthly Investment Report noting ten investments for the month. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Dressel, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 019-123

Resolution Date: December 19, 2019

WHEREAS, the investment control procedures for the New York State Bridge Authority provide that the Board shall review and approve the report of investment transactions completed since the meeting of the Board on November 21, 2019; now therefore

BE IT RESOLVED, that the Board of Commissioners of the New York State Bridge Authority does hereby concur with and approve the investment report as filed with this body on this date for the purpose noted; and

BE IT FURTHER RESOLVED, that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December, 2019.

Tara Sullivan, Secretary

2) Budget and Financial Plan 2020-2023

Mr. Bushek reported to the Board that pursuant to the authority vested by Section 5 of Article 10 of the New York State Constitution, Article 9 of the Public Authorities Law and Section 8 (14) of the State Finance Law, the State Comptroller adopted Regulation 2 NYCRR Part 203, "Budget and Financial Plan Format, Supporting Documentation and Monitoring – Public Authorities." The Authority's Budget and Financial Plan 2020-2023 (the Plan) required by this regulation was included the following: Budget and Financial Plan 2020-2023 including text, Condensed budgeted revenues, expenditures and changes in current net assets 2020 – 2023, Actual financial performance for 2018 and the change in estimates for the previously approved 2019 budget, Debt Schedule 2020 – 2023, Capital Improvement Program 2020 – 2024. The above documents were provided to Audit and Finance committee members and other Board members at the meeting on September 19th. Both committees approved sending the budget to the full Board for approval. Substantive changes were made. As of December 17th, the Plan has been available for public inspection and comment at all of our facilities for the thirty days required by the regulation. It has also been made available to the public on the Authority's website. Comments have been received. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Dressel, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY BOARD RESOLUTION

Resolution No.: 019-124

Resolution Date: December 19, 2019

WHEREAS, Office of the State Comptroller Regulation 2 NYCRR Part 203 requires that Bridge Authority budget and financial plan information for fiscal years 2020 through 2023 be prepared, approved and forwarded in report form to the Comptroller; and,

BE IT RESOLVED, that the Authority hereby approves the proposed budget and financial plan information; and

BE IT FURTHER RESOLVED, that the Executive Director, or his designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December, 2019.

Tara Sullivan, Secretary

3) Revised Bridge System Net Revenues

Mr. Bushek explained to the Board that as required by §7.13 of the Bond Resolution, the Authority must submit its bridge system net revenues to the Trustee for the bondholders. The Authority previously adopted the Estimated Bridge System Net Revenues in September, but due to material changes in assumptions for the 2020-2023 Budget and Financial Plan the Authority has a revision. This revision demonstrates that the material changes to the assumptions still provide adequate debt service coverage to maintain compliance with the Authority's bond resolution.

Changes in the assumptions primarily related to Revenues, previously a single toll increase in April of 2020 was projected. The Authority's current proposed budget contains a smaller toll increase phased in over four years starting May 1, 2020 and completed on May 1, 2023. Note that the Authority would be in compliance with the resolution without a toll increase. The increase on May 1, 2020 will increase the excess over net revenue requirement.

Mr. Bushek note on the final page of the Estimated 2019 and 2020 Bridge System Net Revenues that the net revenue requirement (next to last number) is \$19.665 million in 2019 and \$19.669 million in 2020. This is determined by multiplying the total debt service (principal and interest on outstanding bonds) for the year by 1.75. In our Bond Resolution, we have covenanted that, upon annual review, our current and next succeeding year's net revenues (revenues less operating expenses) will provide for the net revenue requirement. If the net revenue requirement is not met, we are obligated to engage a traffic consultant to propose a schedule of tolls that will provide sufficient revenues in the following year to comply with the requirement. This new schedule of tolls must be in place by April 1st of the next year. The last line of the Trustee document is our projected excess over the net revenue requirement. The excesses are \$13.697 million and \$12.145 million in 2019 and 2020, respectively. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Jablonski, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY BOARD RESOLUTION

Resolution No.: 019-125

Resolution Date: December 19, 2019

WHEREAS, §7.13(c) of the Bridge System Revenue Bond Resolution adopted December 19, 1996 and as amended through supplemental resolutions, requires a review of the financial condition of the New York State Bridge Authority for the

purpose of estimating whether the Net Revenues less investment earnings on amounts held in the General Fund and the Construction Fund for each year and for the next succeeding year will be sufficient to provide all the payments specified in subsection (b) of §7.13; now therefore and,

BE IT RESOLVED, that the Authority has completed such a review and has determined the Net Revenues less investment earnings on amounts held in the General Fund and the Construction Fund for the years 2019 and 2020 will be sufficient to provide all of the payments specified by subsection (b) of §7.13; and

BE IT FURTHER RESOLVED, that the Secretary is directed to provide the Trustee with a certified copy of this resolution together with a certificate setting forth a reasonably detailed statement of actual and estimated Revenues and Operating Expenses and other pertinent information upon which such determination was made.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December, 2019.

Tara Sullivan, Secretary

4) Annual Renewal of E-ZPass Discounts

Mr. Bushek indicated to the Board that Title 21 NYCRR Section 201.2 entitled "Bridge Tolls" establishes tolls charged for passage across facilities owned and operated by the New York State Bridge Authority. It provides for discounted tolls allowed for fares paid through the E-ZPass Electronic toll system subject to the requirements of Title 21 NYCRR Section 201.6. Annually it is required that discounted tolls allowed for fares paid through E-ZPass shall expire on December 31st of each year, except and to the extent extended annually by the Authority. The resolution, extended the existing E-ZPass toll discounts implemented with the toll schedule on January 30, 2012 effective through December 31, 2012 to be extended from the seventh extension of December 31, 2019 to December 31, 2020. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Stanton, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 019-126

Resolution Date: December 19, 2019

WHEREAS, Title 21 NYCRR Section 201.2 entitled "Bridge Tolls" establishes, by rulemaking process in accordance with state law, the tolls charged for passage across facilities owned and operated by the New York State Bridge Authority and provides for discounted tolls allowed for fares paid through the E-ZPass electronic toll system subject to the requirements of Title 21 NYCRR Section 201.6; and,

WHEREAS, the toll schedule requires that discounted tolls allowed for fares paid through the E-ZPass electronic toll system shall expire on December 31st of each year, except and to the extent extended annually by the Authority; now therefore

BE IT RESOLVED, that the Board of Commissioners of the New York State Bridge Authority extends the discount for fares paid through the E-ZPass electronic toll system as specified in the toll schedule placed in effect January 30, 2012 for the period through December 31, 2020; and

BE IT FURTHER RESOLVED, that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December, 2019.

Tara Sullivan, Secretary

5) Renew Bridge Property & Loss of Revenue Insurance 2020 BA-2016-OA-004-IN

Mr. Bushek informed the Board that in October 2016 The Authority issued an RFP for Bridge Property and Loss of Revenue Insurance. In November 2016 the Authority received a single proposal from Risk Strategies, the incumbent vendor, for three years coverage. This proposal locked in the 2017 rates for three years with no risk to the Authority while still allowing premiums to be paid annually. The premium changes only based on changes in insured values and revenues. The Authority retains the right to terminate at the end of each year and to extend the contract for two additional years at substantially the same terms and conditions. The Authority had anticipated receiving limited responses to this RFP and set no MWBE or SDV goals. The proposed 2020 premium of \$927,377 represents a \$15,861, or 1.7% increase over the 2019 premium of \$911,516. For comparison in 2018 was \$883,934, 2017 was \$858,154, 2016 was \$854,130, 2015 was \$836,916, 2014 was \$871,199 and 2013 was \$839,281. The 2020 premium increase is primarily attributable to an increase in the insurable values of \$2,134,100,000, or a 3.2% increase from \$2,068,430,000. The smaller element is attributable to the anticipated toll revenue increase during 2020. The bridge values are provided by Modjeski & Masters and the projected revenues are based on the 2020-2024 budget and financial plan. Mr. Bushek recommended an approval by the Board for the coming year of the contract and authorize payment. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Jablonski, the following resolution unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 019-127

Resolution Date: December 19, 2019

WHEREAS, the Board has reviewed the report relative to the Contract BA2016-OA-004-IN Bridge Property and Loss of Revenue Insurance; and

WHEREAS, the Authority included an option for the Authority to extend the contract for two additional one year terms; now therefore

BE IT RESOLVED, the New York State Bridge Authority does hereby approve the extension of the contract BA2016-OA-004-IN Bridge Property and Loss of Revenue Insurance for 2020 and the premium payment to Risk Strategies Company for \$927,377; and

BE IT FURTHER RESOLVED, that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December, 2019.

Tara Sullivan, Secretary

BRIDGE OPERATIONS:1) Armored Car Service Contract

Mr. Pavlin indicated to the Board that in December 2016 the Board approved a resolution for a proposed three-year contract with Dunbar Armored Inc. to transport toll funds collected at the Authority's five facilities to a central depository via armored car. In August 2018 Dunbar Armored Inc. was purchased by Brink's Incorporated. A summary is attached of the proposed service charges and applicable fees for the life of the contract and the Authority's experience through 2019. The Board approved three-year contract contains an option for two additional one year terms. The contract will begin the first of two option years on February 1, 2020 with a cost of \$2,785.00 per month which reflects a 3% increase for basic service consistent with the original proposal. The excess time at facility fee also increases 3%. Fuel surcharges are a variable price component of the proposal based on the monthly cost per gallon of fuel as reported by US Energy Administration for all prices above \$1.00/gallon. Mr. Pavlin recommended an approval by the Board to exercise the first of two option years contained within the original contract and to approve expenditure in the amount of \$33,450.00 plus any fuel surcharges and excess time fees for the first of two option years of the Authority's contract with Brink's/Dunbar Armored, Inc. ending January 31, 2021. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Jablonski, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 019-128

Resolution Date: December 19, 2019

WHEREAS, On January 31, 2020 the Authority will complete the third year of a three-year contract it entered into with Dunbar Armored Inc. to provide transport of funds collected at the Authority's five facilities to a central depository via armored courier service at a cost of \$32,500.00 plus fuel surcharges and time at facility fees; a contract which was approved by the Board in its December 2016 monthly meeting; and

WHEREAS, this contract included the option for the Authority to extend the term of the contract for two additional one year periods; and

WHEREAS, the Authority's Operations Department recommends exercising our option to extend the contract for an additional year beginning February 1, 2020 at which time the agreed upon three percent increase in the basic service charge will raise the cost of this service for the following twelve months to \$33,450.00 plus any fuel surcharges and excess time at facility fees; and therefore

BE IT RESOLVED, that the Board of Commissioners of the New York State Bridge Authority approves payment in the amount of \$33,450.00 plus any fuel

surcharges and time at facility fees for the first option year contained within the three-year contract February 1, 2020 through January 31, 2021.

BE IT FURTHER RESOLVED, that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December, 2019.

Tara Sullivan, Secretary

2) NYS Police MHB Traffic Control

Mr. Pavlin explained to the Board that the Authority pays the New York State Police to provide traffic control during the weekday AM and PM traffic pattern changes at the Mid-Hudson Bridge. Provisions are made for these services each year and that amount is included in the annual approved budget for the Mid-Hudson Bridge. New York State Police may invoice the Authority a maximum of four hours per weekday (Monday – Friday), excluding holidays, for this service. The Authority has been notified by the budgeting office for the New York State Police that the hourly rate for the provided services, currently \$141.78/hour will increase on April 1, 2019. Applying last year's rate increase of 6% as a guideline, the hourly rate anticipated to begin on April 1, 2019 would be \$150.29. Mr. Pavlin recommended that the board approve an amount not to exceed \$153,250.00 for these services in 2020. This amount assumes the maximum 1040 hours of coverage be provided at the current rate of \$141.78/hour for 360 hours and the anticipated rate increase of \$150.29/hour for 680 hours. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Stanton, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY BOARD RESOLUTION

Resolution No.: 019-129

Resolution Date: December 19, 2019

WHEREAS, the Authority's Mid-Hudson Bridge facility undergoes traffic pattern changes twice each weekday to accommodate morning and afternoon peak traffic periods; and,

WHEREAS, the Authority has engaged the New York State Police, Troop F, to provide traffic control services during these periods of increased traffic volume at an overtime rate; and,

WHEREAS, this hourly rate is currently \$141.78 and is expected to increase 6 percent to \$150.29 on April 1, 2020; and,

WHEREAS, the number of hours invoiced by the State Police in 2020 is not expected to exceed one thousand and forty hours, now therefore

BE IT RESOLVED, that the Board of Commissioners of the New York State Bridge Authority approves payment for the NYS State Police to provide traffic control services at the Mid-Hudson Bridge for the period January 1, 2020 – December 31, 2020 in the not-to-exceed amount of \$153,250.00; and

BE IT FURTHER RESOLVED, that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December, 2019.

Tara Sullivan, Secretary

3) NYS Thruway Authority – Invoice #88 3rd Quarter 2019 E-ZPass Expenses

Mr. Pavlin and Mr. Savosky have reviewed the invoice from the New York State Thruway Authority for 3rd quarter 2019 Bridge Authority expenses for the period July 1, 2019 through September 30, 2019, and as such, found them to be true and accurate and recommended that they be paid in the amount of \$1,132,235.25. Chairman Gerentine called for a motion. On a motion of Vice Chairman Higgins, seconded by Commissioner Jablonski, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 019-130

Resolution Date: December 19, 2019

WHEREAS, the Memorandum of Understanding dated April 29, 2009 states that the Bridge Authority agrees to reimburse the NYS Thruway Authority for E-ZPass related costs it incurs which are determined as chargeable to the Bridge Authority; and

WHEREAS, E-ZPass related costs resulting from 5,975,130 transactions during the period July 1, 2019 – September 30, 2019 in the amount of \$1,132,235.25 and equaling a cost of 18.9 cents per transaction have been confirmed as chargeable to the Bridge Authority; now therefore

BE IT RESOLVED, that the Board of Commissioners of the New York State Bridge Authority approves payment to the NYS Thruway Authority in the amount not to exceed \$1,132,235.25; and

BE IT FURTHER RESOLVED, that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December 2019.

Tara Sullivan, Secretary

REPORTS TO BOARD:1) Monthly Activity Report of the Acting Executive Director

The Monthly Activity Report was submitted by Acting Executive Director Tara Sullivan noting no expenditures. No action required by the Board.

2) November 2019 Traffic and Revenue Analysis

Ms. Sullivan noted for the month of November that the Authority's revenues are \$154,648.00 above last year's receipts (\$54,088,575 in 2019, \$49,280,508 in 2019), an increase of 0.29%. No action was required by the Board.

3) November 2019 E-ZPass Sales Analysis

Ms. Sullivan indicated that year-to-date 2019 tag sales were 8,531, compared to 8,899 sold year-to-date 2018, a decrease of 4.1%. No action was required by the Board.

4) Historic Bridges of the Hudson Valley (HBHV) Monthly Report for November 2019

The full monthly and detailed report was submitted to the NYSBA Board of Commissioners and submitted by the Historic Bridges of the Hudson Valley Director Kathy Burke. No action was required by the Board.

5) Committee Annual Reports

A resolution was asked to be adopted by Chairman Gerentine to conclude the process and recognize that the committees have fulfilled their reporting requirements under their respective charters. Chairman Gerentine called for a motion. On a motion Vice Chairman Higgins, seconded by Commissioner Stanton, the following resolution was adopted unanimously:

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 019-131

Resolution Date: December 19, 2019

WHEREAS the Audit Committee, Finance Committee and Governance Committee are required to present to the Board of Commissioners an annual report summarizing each committee's activities and assessing their performance in meeting the requirements of their mission; and,

WHEREAS, the Authority has received and reviewed these reports; now therefore

BE IT RESOLVED that the Board of Commissioners accepts these reports as meeting the charter obligations of each committee and the annual reports of the Audit Committee, Finance Committee and Governance Committee are made part of the records of the Authority; and

BE IT FURTHER RESOLVED that the Acting Executive Director, or her designee, is hereby authorized and directed to take the necessary measures to implement this resolution.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December 2019.

Tara Sullivan, Secretary

NEW BUSINESS:**1) Resolution Authorizing Publication of Proposed Rules****PROPOSED RULE****NEW YORK STATE BRIDGE AUTHORITY**

Amend Title 21 NYCRR Section 201.2 entitled "Bridge tolls" to read as follows:

(a) Tolls shall be charged for each vehicle as classified below for each eastbound passage over each of the vehicular bridges controlled by the authority in accordance with the following schedule. Discounted tolls may be offered for fares paid through the E-ZPass electronic toll system provided that such discounted tolls shall expire December 31st of each year, except and to the extent extended annually by the authority. Discounts for fares paid through the E-ZPass electronic toll system are subject to the requirements of section 201.6 of this Part.

<i>Vehicle class</i>	<i>Vehicle description</i>	<i>Axles</i>	<i>Standard toll</i>	<i>E-ZPass discounted toll</i>
1L.	All vehicles with two or fewer axles, nothing in tow, and a height of less than 7' 6" (non-commercial class)	2	<p>[\$1.50] <u>\$1.75 effective on the effective date of this rule;</u></p> <p><u>\$1.75 effective May 1, 2021; \$2.00 effective May 1, 2022; \$2.15 effective May 1, 2023</u></p>	<p><u>[\$1.25] \$1.35 effective on the effective date of this rule;</u></p> <p><u>\$1.45 effective May 1, 2021;</u></p> <p><u>\$1.55 effective May 1, 2022;</u></p> <p><u>\$1.65 effective May 1,</u></p>

				<u>2023</u>
2H.	<p>[Two axle v]Vehicles with [more than four tires]two or fewer 2 axles, nothing in tow, and a height of 7" 6" or more</p>	2	<p><u>[\$5.00] \$6.00 effective on the effective date of this rule;</u> <u>\$6.00 effective May 1, 2021; \$7.00 effective May 1, 2022; \$8.00 effective May 1, 2023</u></p>	<p><u>[\$4.50] \$4.90 effective on the effective date of this rule;</u> <u>\$5.30 effective May 1, 2021; \$5.70 effective May 1, 2022; \$6.10 effective May 1, 2023</u></p>
3H.	<p>[Three axle v]Vehicles or vehicle combinations with 3 three axles and a height 7" 6" or more</p>	3	<p><u>[\$7.50] \$9.00 effective on the effective date of this rule;</u> <u>\$9.00 effective May 1, 2021; \$10.50 effective May 1, 2022; \$12.00 effective May 1, 2023</u></p>	<p><u>[\$6.75] \$7.35 effective on the effective date of this rule;</u> <u>\$7.95 effective May 1, 2021; \$8.55 effective May 1, 2022; \$9.15 effective May 1, 2023</u></p>
4H.	<p>[Four-axle v]Vehicles or vehicle combinations with 4 Four or more axles and a height 7'6" or more</p>	4	<p><u>[\$10.00] \$12.00 effective on the effective date of this rule;</u> <u>\$12.00 effective May 1, 2021; \$14.00 effective May 1, 2022; \$16.00 effective May 1, 2023</u></p>	<p><u>[\$9.00] \$9.80 effective on the effective date of this rule;</u> <u>\$10.60 effective May 1, 2021; \$11.40 effective May 1, 2022; \$12.20 effective May 1, 2023</u></p>

5H.	[Five-axle v]Vehicles or Vehicle combinations with 5 axles and a height of 7'6" or more	5	<u>[\$12.50] \$15.00 effective</u> <u>on the effective date of</u> <u>this rule;</u> <u>\$15.00 effective May 1,</u> <u>2021; \$17.50 effective</u> <u>May 1, 2022; \$20.00</u> <u>effective May 1, 2023</u>	<u>[\$11.25] \$12.25</u> <u>effective on the</u> <u>effective date of this</u> <u>rule;</u> <u>\$13.25 effective May 1,</u> <u>2021; \$14.25 effective</u> <u>May 1, 2022; \$15.25</u> <u>effective May 1, 2023</u>
6H.	[Six-axle v]Vehicles or vehicle combinations with 6 axles and a height of 7'6" or more	6	<u>[\$15.00] \$18.00 effective</u> <u>on the effective date of</u> <u>this rule;</u> <u>\$18.00 effective May 1,</u> <u>2021; \$21.00 effective</u> <u>May 1, 2022; \$24.00</u> <u>effective May 1, 2023</u>	<u>[\$13.50] \$14.70</u> <u>effective on the</u> <u>effective date of this</u> <u>rule;</u> <u>\$15.90 effective May 1,</u> <u>2021; \$17.10 effective</u> <u>May 1, 2022; \$18.30</u> <u>effective May 1, 2023</u>
7L.	Each additional axle attached to vehicles in class 1L (e.g. attached trailers; non- commercial class)	1	<u>[\$1.00] \$1.25 effective</u> <u>on the effective date of</u> <u>this rule;</u> <u>\$1.25 effective May 1,</u> <u>2021; \$1.50 effective</u> <u>May 1, 2022; \$1.70</u> <u>effective May 1, 2023</u>	<u>[\$0.90] \$1.00 effective</u> <u>on the effective date of</u> <u>this rule;</u> <u>\$1.10 effective May 1,</u> <u>2021; \$1.20 effective</u> <u>May 1, 2022; \$1.30</u> <u>effective May 1, 2023</u>

8H.	Each additional axle on or attached to vehicles in classes [2 through 6] <u>2H, 3H, 4H, 5H, or 6H</u>	1	<u>[\$2.50] \$3.00 effective on the effective date of this rule;</u> <u>\$3.00 effective May 1, 2021; \$3.50 effective May 1, 2022; \$4.00 effective May 1, 2023</u>	<u>[\$2.25] \$2.45 effective on the effective date of this rule;</u> <u>\$2.65 effective May 1, 2021; \$2.85 effective May 1, 2022; \$3.05 effective May 1, 2023</u>
9.	Commuter discount	2	Not eligible	<u>[As] Subject to the conditions described in section 201.5 of this Part, \$1.10 effective on the effective date of this rule;</u> <u>\$1.20 effective May 1, 2021; \$1.30 effective May 1, 2022; \$1.40 effective May 1, 2023</u>
10.	Reserved			
11.	Vehicles owned and operated by the authority, by authority		No charge	

	employees or contractors, and emergency service vehicles or other vehicles which by law or authority resolution are treated as class 11 vehicles			
12.	Each additional axle on or attached to vehicles in class 11	1	No charge	

(b) Pedestrians and self-propelled bicycles shall not be subject to tolls on bridges and facilities where such access and/or operation is permitted.

Amend Title 21 NYCRR Section 201.5 entitled "Commuter discount" to read as follows:

- (a) The E-ZPass commuter discount shall provide for a maximum discounted toll [of 1.00] as stated for Vehicle Class 9 in Section 201.2 (a), in lieu of the otherwise applicable Class 1L toll, provided that the E-ZPass account holder agrees to

allow their account to be charged for a minimum of 17 tolls per monthly period established by the authority.

- (b) The Commuter discount plan [shall be available only for privately-registered vehicles and individually owned or leased pick-up trucks through the E-ZPass system] applies to eligible vehicles equipped with E-ZPass tags that are issued to customers who apply, qualify and enroll in such plan. Vehicles eligible for the commuter discount are those privately registered class 1L vehicles held in the name of or leased to an individual or two individuals not constituting a business entity.

PROPOSED RULES
NEW YORK STATE BRIDGE AUTHORITY

Amend Title 21 NYCRR Section 201.1 entitled "Payment of tolls" to read as follows:

No vehicle shall cross the bridges without the payment of the toll prescribed by the authority at the regularly established places for the collection of such tolls. Except where the authority has designated dedicated E-ZPass lanes or video toll lanes without gates where signage directs vehicles not to stop, all vehicles traveling eastbound shall stop at an operating toll booth and pay the appropriate toll according to these rules and regulations unless otherwise directed by an authority agent or employee. Where the authority has established a designated dedicated video toll lane, payment of the required crossing charges shall be made by mail as directed by the authority. The evasion, nonpayment, payment in other than lawful currency, payment of less than the full amount required, or any other failure to comply with the established tolls of the authority is prohibited. Payment of crossing charges by prepaid E-ZPass shall be made by means of a properly mounted E-ZPass tag of the proper class that is classified as valid at the time of the toll transaction. Payment of crossing charges by fare media other than prepaid E-ZPass shall be made at the place and time and in the manner established for the collection of such crossing charge.

Amend Title 21 NYCRR by inserting a new subsection 201.7 entitled "Use of Vehicular crossings" to read as follows:

201.7. Use of vehicular crossings.

The use of vehicular crossings by any vehicle or other form of traffic shall be and shall be deemed to be conditioned upon payment of the prescribed tolls and upon observance of the rules and regulations of the Bridge authority. All rights, privileges, licenses and permits, express or implied, for the use of said vehicular crossings by any vehicle or other form of traffic, granted by the Bridge authority, shall be and shall be deemed to be revocable, and each such right, privilege, license or permit, at the option of the Bridge authority, shall be and shall be deemed to be revoked and cancelled by and upon the breach of any rule or regulation or of violation of any applicable laws or ordinances while in or upon the said vehicular crossings. Vehicles violating any of the rules and regulations of the authority, as well as other vehicles owned or operated by the owner and/or operator of such vehicles, may be excluded from vehicular crossings permanently or for a specified time.

Amend Title 21 NYCRR by inserting a new subsection 201.8 entitled "Toll Violation Enforcement" to read as follows:

201.8 Toll Violation Enforcement.

(a) The owner, as defined in Public Authorities Law section 2985(3), of any vehicle crossing a bridge without paying the crossing charge prescribed by the authority at the place and time and in the manner established for the collection of such crossing charge commits a violation of toll collection regulations.

(1) Payment of crossing charges by E-ZPass shall be made by means of a properly mounted E-ZPass tag of the proper class that is classified as valid at the time of

the toll transaction. For each such violation, the owner shall be charged the full undiscounted crossing charge for fare media other than E-ZPass. Nothing in this section shall be construed to limit the liability of an E-ZPass account holder for administrative violation fees established and imposed by the E-ZPass agreement for failure to pay crossing charges by means of a properly mounted E-ZPass Tag of the proper class that is classified as valid at the time of the transaction.

(2) Payment of crossing charges by fare media other than E-ZPass shall be made at the place and time and in the manner established for the collection of such crossing charge. Nothing in this section shall be construed to limit the obligation of a video account holder for administrative violation fees established and imposed by the applicable video account agreement for failure to pay the crossing charges at the place and time and in the manner established for the collection of such crossing charges.

(b) The owner of any vehicle which violates toll collection regulations by crossing a bridge without paying the crossing charge prescribed by the authority at the place and time and in the manner established for the collection of such crossing charge shall be liable to the authority for an administrative fee, known as the toll violation fee. The toll violation fee shall be in the amount of \$50, for each such violation unless a fee of less than \$50 is set by the authority in its sole discretion. The toll violation fee shall be in addition to the applicable crossing charge and any fines and penalties otherwise prescribed by law or by agreement.

(c) A Notice of Violation shall be sent by the authority's authorized agent ("authorized agent") to the individual or business alleged to be liable for the toll violation as owner and shall contain:

- (1) the name and address of the individual or business alleged to be liable for the toll violation as owner;
- (2) the registration number and state of the vehicle alleged to have been involved in the violation;
- (3) the location, date and time of each use of the facility that forms the basis of such violation;
- (4) the amount of the assessed toll and toll violation fee; and
- (5) an image of the license plate of the vehicle being used or operated on the toll facility, provided that an image of each such license plate in the Notice of Violation shall be provided by the authorized agent upon request.

(d) The individual or business alleged to be liable for the toll violation as owner may dispute the violation by submitting a Declaration of Dispute to the authorized agent at the time and place and in the manner established in the Notice of Violation together with a certification establishing the basis for dispute as follows. Such toll violation and associated toll violation fee shall be dismissed if:

- (1) The individual or business was not the registered owner of the vehicle at the time of the toll transaction that forms the basis of such alleged violation and submits to the authorized agent: (i) a copy of the plate surrender receipt from the Department of Motor Vehicles; (ii) proof of sale of the vehicle; (iii) a copy of the

- report to a law enforcement agency that the plate was lost; and/or (iv) a copy of the report to a law enforcement agency that the vehicle was stolen; or
- (2) The toll was paid by E-ZPass and the toll posted to an E-ZPass Account and submits to the authorized agent a copy of the E-ZPass statement showing the toll posting; or
- (3) The toll was paid in cash at the time and submits to the authorized agent a copy of the toll receipt; or
- (4) The registered owner's vehicle was not present at the facility at the time of the violation(s); or
- (5) For other good cause shown.
- (e) If the owner is a vehicle rental or leasing company which seeks to perform a Transfer of Responsibility to the vehicle lessee or renter, the owner shall submit to the authorized agent at the time and place and in the manner established in the Notice of Violation a signed lease or rental agreement and certification of the name and address of the lessee or renter of the vehicle at the time of the toll transaction that forms the basis for the violation. A Notice of Violation or toll invoice shall be sent by the authorized agent to such lessee or renter within forty-five days of receipt of the signed lease or rental agreement and certification and such lessee or renter shall be deemed the owner of such vehicle and shall be liable for the payment of tolls and any toll violation fees.
- (f) The authorized agent shall send the owner a written determination of the Declaration of Dispute under subdivision (d) of this section.

- (1) The owner may request a review by the authority of the authorized agent's determination of the Declaration of Dispute by submitting a Request for Review to the authority at the place and time and in the matter established in the authorized agent's written determination of the Declaration of Dispute.
- (2) The authorized agent's determination of the Declaration of Dispute under subdivision four shall be final and binding on the owner unless overturned by the authority upon review.
- (3) The authority's determination of the owner's Request for Administrative Review shall be final and binding on the owner unless overturned by a Court of competent jurisdiction of the State of New York, County of Ulster, under Article 78 of the New York Civil Practice law and Rules or a United States Court located in Albany, New York, under the procedures and laws applicable in that court.
- (g) The individual or business alleged to be liable for each toll violation as owner shall be liable for each unpaid toll and toll violation fee unless: (i) such unpaid toll and/or toll violation fee has been dismissed under subdivision (d) or subdivision (f) of this section; (ii) there has been a Transfer of Responsibility under subdivision (e) of this section; or (iii) after payment of such toll, the toll violation fee has been dismissed or reduced under the Fee Waiver Policy adopted by the authority. Such owners who fail to pay each toll and toll violation fee in response to a Notice of Violation may also have their vehicle registrations suspended under vehicle and traffic law section 510(3)(d) and implementing regulations.

NEW YORK STATE BRIDGE AUTHORITY
BOARD RESOLUTION

Resolution No.: 019-132

Resolution Date: December 19, 2019

RESOLUTION
OF
THE NEW YORK STATE BRIDGE AUTHORITY

RESOLUTION AUTHORIZING PUBLICATION OF PROPOSED RULES

WHEREAS, the Authority is considering a proposal to amend the Rules and Regulations of the Authority at Part 201 of Title 21 NYCRR to increase the applicable tolls for crossing the Authority's bridges, as shown on the attached Schedule A, and to amend the collection and enforcement procedures (collectively the "Proposed Rules"); and

NOW, THEREFORE, BE IT RESOLVED, BY THE BOARD OF COMMISSIONERS OF THE NEW YORK STATE BRIDGE AUTHORITY, that pursuant to Section 617 of Title 6 NYCRR, the action is subject to the State Environmental Quality Review Act ("SEQRA"), the action does not involve a federal agency, and the adoption of the Proposed Rules constitutes a Type II action under SEQRA; and

BE IT FURTHER RESOLVED that the Board does hereby approve the publication of the Proposed Rules for comment, that the Proposed Rules shall be submitted to the Commissioner of Transportation for approval in accordance with New York State Public Authorities Law, Section 538, and that the Acting Executive Director, or her designee, shall hold a public hearing with respect to the Proposed Rules after due notice in accordance with law; and

BE IT FURTHER RESOLVED that the Acting Executive Director shall cause to be published, submitted and filed such notices, reports and other information and shall do all other things necessary to comply with Section 2804 of the Public Authorities Law, the State Environmental Quality Review Act and the State Administrative Procedures Act, and shall take such further actions as may be necessary or desirable to provide for the proper review and consideration of the Proposed Rules.

IN WITNESS WHEREOF, this resolution has been duly adopted this 19th day of December, 2019.

Tara Sullivan, Secretary

This concluded the regular meeting. Chairman Gerentine asked for a motion to adjourn the meeting. On a motion of Vice Chairman Higgins, seconded by Commissioner Stanton and approved unanimously, the regular meeting adjourned at 3:41 P.M.

The next Regular Meeting of the Board of Commissioners meeting is scheduled for January 16, 2020 at 3:00 P.M. at Headquarters.